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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,330	06/25/2003	Linda A. Riedle	RPS920030086US1/2856P	2772
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IBM RP-RPS SAWYER LAW GROUP LLP 2465 E. Bayshore Road, Suite No. 406 PALO ALTO, CA 94303			EXAMINER CHANG, JULIAN	
			ART UNIT 2452	PAPER NUMBER
			NOTIFICATION DATE 11/18/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patent@sawyerlawgroup.com

Office Action Summary	Application No. 10/603,330	Applicant(s) RIEDLE, LINDA A.	
	Examiner JULIAN CHANG	Art Unit 2452	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-19 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-19 and 21-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office action is responsive to communication filed on 07/17/08. Claims 1, 3-19 and 21-24 are pending, and have been examined below. Any rejections not repeated below have been withdrawn.

Allowable Subject Matter

2. The indicated allowability of all claims is withdrawn in view of the newly discovered reference(s) to Collier, Clark, and Basani. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 7, 13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over “ORMCC: A Simple and Effective Single-Rate Multicast Congestion Control Scheme”, 2002 (“Li”), and further in view of U.S. Pub. No. 2002/0123309 (“Collier”), U.S. Pat. No. 5,253,325 (“Clark”), and U.S. Pat. No. 6,993,587 (“Basani”).

5. Regarding claims 1, 7, 13 and 19, Li teaches:

determining which is the slowest receiver ('compares average TRAC of all receivers to allocate the slowest ones', § Allocation of Slowest Receiver on 3rd page), based on which receiver drops a highest number of packets ('packet loss rate', Id); and making the slowest receiver the master client, thereby adaptively determining which receiver becomes the master client ('choose one of them as the Congestion Representative', Id).

Li differs from the instant invention in that the determination of which receiver is the slowest receiver occurs not at the receivers but at the source.

Collier teaches determining the quality of a communication link by counting at the receiver the rate at which packets are dropped (para. [0016]).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to count the dropped packets at a receiver as taught by Collier in order to determine the quality of a communication link.

Li-Collier fails to teach computing a drop ratio when the number of dropped packets reaches a predetermined threshold, and sending a Force Master command when the drop ratio reaches a predetermined threshold.

Clark teaches calculating a ratio when a count exceeds a threshold (Col. 7, lines 1-14), and performing a computer-related task if the ratio meets a threshold (Id).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to perform a task when a ratio exceeds a threshold as taught in Clark in order to trigger tasks when conditions change.

Li-Collier-Clark fails to teach a Force master command. Applicant defines a "Force Master" command as "a signal to the server...that a client...requests that it be designated the new master client". (Spec. para. [0040]).

Basani teaches a Force Master command ('Leader Claim message', Col. 14, lines 26-40).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to employ a "Force Master" command as taught by Basani in order to allow receivers with the highest priority to become the new group leader.

6. Claims 3, 8, 14 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li-Collier-Clark-Basani as applied to claims 1, 7, 13 and 19 above, and further in view of U.S. Pat. No. 5,696,896 ("Badovinat兹").

7. Regarding claims 3, 8, 14 and 21, Li-Collier-Clark-Basani teaches the invention substantially as claimed and described in claims 1, 7, 13 and 19, but fails to teach sending a Drop Master command to the master client.

Badovinat兹 teaches multicasting a message informing group members of a new group leader (Col. 6, lines 20-38).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to inform of a new group leader as taught by Badovinat兹 in order to allow the group members to know who the current group leader is.

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8. Claims 4, 9, 15 and 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Li-Collier-Clark-Basani-Badovinatx as applied to claims 3, 8, 14 and 21 above, and further in view of what was well-known by one of ordinary skill in the art at the time of applicant's invention.

9. Regarding claims 4, 9, 15 and 22, Li-Collier-Clark-Basani-Badovinatx teaches the invention substantially as claimed and described in claims 3, 8, 14 and 21, including causing the master client to enter passive client mode (Li teaches that there is one Congestion Representative (i.e., master client), and also teaches that the choice for Congestion Representative may be updated. This infers that previous Congestion Representatives become passive, non-acknowledging clients.), but fails to teach sending a Drop Master acknowledgement.

Official notice is taken that it was well-known at the time of applicant's invention to send an acknowledgement in reply to a network message. See MPEP 2144.03.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to send a Drop Master acknowledgement in order to acknowledge the receipt of the Drop Master command.

10. Claims 5, 6, 10-12, 16-18, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li-Collier-Clark-Basani-Badovinatx, in view of what was well-known in the art at the time of applicant's invention, as applied to claims 4, 9, 15 and 22 above, and further in view of U.S. Pat. No. 6,424,626 ("Kidambi").

11. Regarding claims 5, 10, 16 and 23, Li-Collier-Clark-Basani-Badovinatx teaches, in view of what was well-known in the art at the time of applicant's invention, the invention substantially as claimed and described in claims 4, 9, 15 and 22, but fails to teach restarting the drop packet counter.

Kidambi teaches resetting a dropped packet counter (Col. 7, lines 8-17).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to reset a dropped packet counter as taught by Kidambi in order to increase data transmission rate.

12. Regarding claims 6, 11, 17 and 24, Li-Collier-Clark-Basani-Badovinatx teaches, in view of what was well-known in the art at the time of applicant's invention, the invention substantially as claimed and described in claims 5, 10, 16 and 23, including sending a Force Master acknowledgement to the passive client that issued the Force Master command.

Badovinatx teaches multicasting a message informing group members of a new group leader (Col. 6, lines 20-38). This type of message would inform all member of the group which member is the new group leader. When taken in combination with the other references, this would inform the passive client that they have become the new leader. Moreover, as indicated above, acknowledgement of messages were well-known at the time of applicant's invention.

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13. Regarding claims 12 and 18, Li-Collier-Clark-Basani-Badovinatx teaches, in view of what was well-known in the art at the time of applicant's invention, the invention substantially as claimed and described in claims 11 and 17 above, including receiving packets at the passive client as the new master client (Li teaches switching Congestion Representatives. The new Congestion Representative (i.e., master client) would receive packets as the new Congestion Representative. § Update of CR under Dynamic Conditions, 3rd and 4th page).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JULIAN CHANG whose telephone number is (571)272-8631. The examiner can normally be reached on Monday thru Friday 9AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. C./
Examiner, Art Unit 2452

/Kenny S Lin/
Primary Examiner, Art Unit 2452